
Judiciary Committee

E2PSHB 1151

Title: An act relating to the keeping of dangerous wild animals.

Brief Description: Regulating the keeping of dangerous wild animals.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, G. Simpson and Upthegrove).

Brief Summary of Engrossed Proposed Second Substitute Bill

- Prohibits possession of dangerous or potentially dangerous wild animals such as large cats, bears, monkeys, primates and venomous snakes, unless the wild animal is owned prior to the effective date of the act.
- Establishes a registration and regulation system for dangerous or potentially dangerous wild animals currently possessed in the state.
- Requires people who possess dangerous or potentially dangerous wild animals to provide certain information and comply with certain requirements and restrictions in order to obtain and maintain a valid registration.
- Establishes civil penalties, and creates misdemeanor, gross misdemeanor, and felony crimes, for violations of the act.
- Exempts certain entities from the act, including: zoos; aquariums; wildlife sanctuaries; research, medical, and educational institutions; circuses; and rodeos.

Hearing Date: 1/16/04

Staff: Edie Adams (786-7180).

Background:

Ownership of dangerous animals is restricted in Washington by the Department of Fish and Wildlife, which has authority to regulate ownership of wildlife. Fish and Wildlife rules currently outlaw ownership of certain "deleterious exotic wildlife" that threaten native animals, and also regulate ownership of certain wild animals naturally found in the state.

Animal control is regulated on the city and county level in Washington. Some cities and counties currently ban the ownership of certain classes of animals. These include King and Pierce

counties, as well as the cities of Spokane, Bellevue, and Everett. For example, King County bans ownership of venomous snakes, nonhuman primates, bears, nondomesticated felines (cats) and canines (wolves and coyotes), and crocodiles. Persons possessing such animals prior to the act's effective date in 1994 were allowed to receive licenses from the county, provided they met certain requirements.

In areas where there is no animal control authority, the local sheriff's office enforces local animal control ordinances, if any exist.

Summary of Proposed Second Substitute Bill:

The possession of wild animals that are dangerous or potentially dangerous is generally prohibited. A registration and regulation system is established for dangerous or potentially dangerous wild animals that are currently possessed in the state.

Potentially Dangerous Wild Animals

Possession of a dangerous or potentially dangerous wild animal is prohibited, unless the animal is owned before the effective date of the act and the owner registers the animal with the local animal control authority by December 31, 2004. "Potentially dangerous wild animal" means any of certain listed animals, or hybrids of these animals, which are capable of inflicting serious or fatal injuries on people or have the potential to become a menace to public health or indigenous wildlife, including: large cats, wolves, bears, primates, venomous snakes, and crocodiles. A "dangerous wild animal" means any potentially dangerous wild animal that aggressively bites, attacks, or substantially endangers the imminent physical well-being of humans.

Animal control authorities are given authority to declare an individual animal in their jurisdictions to be a dangerous wild animal and to declare an individual animal to be a potentially dangerous wild animal if it has substantially endangered the imminent physical well-being of a human. The animal control authority must provide written notice to the possessor of the basis for the declaration. This determination may be appealed within 20 days through an administrative appeals process, if available, or to the local court.

Registration

A person possessing a dangerous or potentially dangerous wild animal prior to the effective date of the act must register the animal with the animal control authority by providing specified information and certifications. Various duties are imposed on permit holders, including complying with animal care standards, allowing an annual inspection of the property where the animal is kept, and providing notice to the animal control authority if an animal escapes or if the owner can no longer care for the animal. In addition, owners of dangerous wild animals must obtain liability insurance coverage of at least \$100,000. Owners also are subject to several restrictions, including a prohibition on breeding the wild animal or taking the wild animal to a public venue without prior authorization.

Confiscation

If an animal control authority has probable cause to believe that a dangerous or potentially dangerous wild animal is being kept in violation of the act, the animal control authority may confiscate the animal. The possessor is liable for the reasonable costs of the confiscation, and

must post a bond or cash in a sufficient amount to guarantee payment. The possessor is not liable for these costs if it is determined that the possessor was in compliance with the act at the time of confiscation. If the possessor does not correct the conditions leading to confiscation, the animal control authority may relocate the animal, or, as a last resort, may euthanize the animal.

Violations

A violation of the act is punishable by a civil penalty or as either a misdemeanor, gross misdemeanor, or felony offense, depending on the type of violation. A person who fails to register a dangerous or potentially dangerous wild animal is subject to a civil penalty of \$200-\$2,000. Misdemeanors created by the act are: failure to allow access to the premises where the animal is kept; and failure to report the escape of a wild animal.

Examples of gross misdemeanors created by the act include: allowing an animal to be tethered, chained or run at large; neglecting or mistreating an animal; failure to maintain the required level of liability insurance; and intentional release of a dangerous or potentially dangerous wild animal.

The felony crimes created by the act are: possession of a dangerous wild animal that physically attacks or bites a person or domestic animal if the owner has a prior conviction under the act; and possession of a wild animal that physically attacks or causes severe injury to a human, when the possessor knew or should have known that the animal had the characteristics of a dangerous wild animal.

Local Authority

Cities or counties that do not have an animal control authority are not required to create the office. Local jurisdictions may adopt stricter ordinances, but are not required to adopt ordinances to be in compliance with the act. A local jurisdiction does not have to allow possession of dangerous or potentially dangerous wild animals within its jurisdiction.

Exemptions

Certain entities are exempt from the provisions of the act. These entities include: zoos and aquariums; animal protection organizations; veterinary hospitals; wildlife sanctuaries; licensed or accredited research, medical, or educational institutions; circuses and rodeos; persons temporarily transporting animals through the state; individuals possessing monkeys specially trained to assist humans; and educational displays at fairs.

Appropriation: None.

Fiscal Note: Requested on January 13, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.